UNITED STATES PATENT AND TRADEMARK OFFICE

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10/010,112	11/13/2001	Andrew R. Ferlitsch	10237.10	4303

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QIN, YIXING

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/010,112	FERLITSCH, ANDREW R.
	Examiner	**Art Unit**	
	Yixing Qin	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 November 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4,5,7,8,10-14,16,18,20,29 and 33-50* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4,5,7,8,10-14,16,18,20,29 and 33-50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

In response to applicant's amendment received 11/26/07, all requested changes

have been entered.

Response to Arguments

Applicant's arguments filed 11/26/07 have been fully considered but they are not

persuasive. The first argument is that the Olsen reference does not disclose

determining a cost for a consumable, and that Olsen discloses counting of pages of a

document to be printed and charging for the number of pages printed. The Examiner

disagrees. From the description of the applicant's specification on page 10, an amount

of paper used to print a document can properly read upon a consumable. Thus, in the

case of Olsen, a document is parsed to find out how many pages (i.e. sheets of paper)

are needed to print the entire document and the cost is based upon the determination of

the number of pages. Column 11, lines 13-17 that a price of a job may vary as a

function of the number of pages printed (i.e. more pages to be printed uses more sheets

of paper and would incur a higher cost). Thus, Olsen above does disclose calculating a

price (i.e. cost) for consumables used in a job.

The second argument is that Olsen does not teach/suggest how if the amount of

available fund exceed the cost for the consumables, then debit the cost from the

account and print the job. As mentioned above, Olsen indeed does teach/suggest the

calculation of cost of consumables. Furthermore, in column 11, lines 32-36 that a user

is prevented from printing if he/she has no credits and in column 13, lines 28-35 that a user's account is updated with pricing for a print job. While it is not explicitly stated, it would be obvious from these statements that a print job is able to be printed if an user has a sufficient amount of credits to cover the cost of printing.

A third argument is with regards to claim 29, and how certain functions (spooling and authentication are now claimed to be performed in the client as opposed to a server). The Examiner wants to point out that this is an obvious variation of the Kobayashi/Olsen invention since it basically is saying that a client has the capabilities of the server. This is a design change to allow a different computer (in this case the client) to handle another computer's (the server) tasks. The Examiner also points to Olsen, column 12, lines 35-41 that spooling can be performed at either the client or the server. Column 9, lines 4-25 also discloses that when a spooled data file is transferred from a client to the job database, a print job header contains information regarding encryption keys as well as users allowed and disallowed to perform printing of the print job. This at least suggests that at the client users are authenticated or not to print a particular print job.

The last argument is the combination of references and how Olsen is applied in a new way to arrive at the calculation of costs of consumables. The Kobayashi reference discloses the calculation of cost of consumables, but does not show the particular technique claimed of parsing the print data to find the number of pages and to calculate pricing based upon that and to deduct funds only if they are available. Olsen teaches/suggests these features, although in a slightly different environment. However,

the printed pages in the Olsen reference can still be interpreted as consumables, since

they are goods used or expended to process a print job.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

I.   Claims 1, 4, 5, 8, 10, 29, 33, 35-38 and 46-48 are rejected under 35 U.S.C.

103(a) as being unpatentable over Kobayashi (U.S. Patent No. 7,124,094) in view of

Olsen (U.S. Patent No. 6,952,780).

Regarding claim 1, Kobayashi discloses a system that includes a computer

device and a printing device, a method for providing debit print job accounting, the

method comprising:

receiving a request from a user to render a print job; (Fig. 7, S13)

spooling data of the print job to a spooler of one of:

(i) a client computer devices;

(ii) a print server; (column 22, lines 4-19 – the processing of the text data

to be printed can be interpreted as a spooling function.)

using a print subsystem component to authenticate the user and an account of

the user, wherein the print subsystem component is one of: (Fig. 7, S12)

(i) the spoolers; and

(ii) a print processor; (Fig. 7, S12, column 21, 63-column 22, line 3 – the

master server contains some processor to perform the authentication)

Kobayashi discloses in column 41, lines 27-54 various ways to pay for the print

job.

It does not explicitly disclose "using the print subsystem component to parse the

spooled data and determine a layout and a number of pages of the print job, wherein

the costs for the consumables is determined prior to despooling print data of the print

job to the printing device;

using the print subsystem component to determine an amount of available funds

in the user's account; and

if the amount of available funds exceeds the cost for consumables, using the

print subsystem component to debit the cost of the print job from the user's account and

rendering the print job at the printing device."

However, Olsen et al discloses in column 6, lines 43-67 the deduction of funds

from an account depending on the type and amount of document(s) printed. In column

10, line 63 – column 11, line 36 that a port monitor parses the job to obtain the number

of pages and that information is used in the calculation of costs of a print job. Olsen

then goes on to disclose that users are prevented to print if that user has no credit in the

user's account, indicating that there is a check for funds prior to deduction of the funds.

Note also that in Olsen, the accounting takes place on the spooled job (Fig. 5) prior to

the getting the appropriate print engine and sending the information there to be printed.

Kobayashi and Olsen are combinable because both are in the art of job

accounting.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to have improved Kobayashi with a more sophisticated job

accounting system like that of Olsen.

The motivation would have been to allow users to more easily see charged and

added convenience of simply deducting an user's account and having billing information

for future reference.

Therefore, it would have been obvious to combine Kobayashi and Olsen to

obtain the invention as specified.

Regarding claim 29, this claim is substantially rejected in the same manner as

claim 1 above, with the difference being that the spooling and authentication takes place

in the client. As mentioned in the arguments above, Olsen discloses in column 12, lines

35-41 that spooling can be performed at either the client or the server. Column 9, lines

4-25 discloses that when a spooled data file is transferred from a client to the job

database, a print job header contains information regarding encryption keys as well as

users allowed and disallowed to perform printing of the print job. This at least suggests

that at the client users are authenticated or not to print a particular print job.

Regarding claim 4, Kobayashi discloses wherein said using a print subsystem

component to authenticate the user and the account of the user further comprises

receiving information from the user to perform said authentication. (Fig. 7, S12 and

column 21, lines 63 – column 2, line 3).

Regarding claim 5, Kobayashi discloses wherein the information received

includes a password. (column 9, lines 45-47).

Regarding claims 10 and 33, Kobayashi discloses wherein said using the print

subsystem component to parse the spooled data and determine a layout and a number

of pages of the print job comprises:

    determining sheet assembly requirements for rendering the print job;

    determining the resolution to be used to render the print job;

    determining whether binding materials are to be used for the print job;

    determining the type of print to render the print job;

    determining sheet assembly characteristics of the print job; and

    determining a type of paper and ink to be used to render the print job. (column

23, line 61 – column 24, line 5 discloses printer specifications)

Regarding claims 35, 36, 37, 46, 47 and 48, Kobayashi discloses a computer

program product using a print subsystem component to authenticate the user and the

account of the user comprises using an application program interface call to pass the

user and account information. (column 16, lines 15-27 – the master server is controlled

by a program. In column 21, line 63 – column 22, line 3 discloses the authentication of

the print client by the server, which would be through a program)

Regarding claim 49, this claim is related to the rejection of claim 1 and 29.

Please see claim 29 above for a similar rejection to this claim.

Regarding claim 50, Kobayashi and Olsen discloses a method as recited in

claim 49, wherein using a print subsystem component to authenticate the user and an

account of the user, using the print subsystem component to parse the spooled data

and determine a layout and a number of pages of the print job, using the print

subsystem component and the parsed data to determine a cost for consumables to

render the print job, using the print subsystem component to determine an amount of

available funds in the user's account, and using the print subsystem component to debit

the cost of the print job from the user's account occur client-side. (From claim 1 above,

Kobayashi combined with Olsen discloses/suggests the functionality of the claimed

invention. This claim basically says the print subsystem performs all of the functions.

As one of ordinary skill would appreciate, combining various functionality into one

module is a matter of design and the advantages of one or multiple modules are

apparent (such as ease of creation, maintenance, diagnosing/troubleshooting, or repair)

II.   Claims 7 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kobayashi (U.S. Patent No. 7,124,094) in view of Olsen (U.S. Patent No. 6,952,780)

and further in view of Kurijai et al (U.S. Patent No. 6,618,566).

Regarding claim 7 and 34, Kobayashi discloses the authentication of users using

a password.

It does not explicitly disclose, "wherein said using a print subsystem component

to authenticate the user and the account of the user comprises embedding the user and

the account information in the spooled data."

However, Kurijai discloses in Fig. 4 and column 7, lines 30-34 that information

regarding the embedding of the authentication information with the print job.

All references are combinable because they are both in the art of job accounting

for a print job.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to have embedded the authentication information with the print job.

The motivation would have been to make it easier to keep track of jobs and to

ensure that the proper jobs are being printed.

Therefore, it would have been obvious to combine all references to obtain the

invention as specified.

III.   Claims 8 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kobayashi (U.S. Patent No. 7,124,094) in view of Olsen (U.S. Patent No. 6,952,780)

and further in view of Yamaguchi (U.S. Patent No. 6,385,675).

    Regarding claims 8 and 38, Kobayashi and Olsen discloses a print job

accounting system.

    It does not explicitly disclose "wherein if the amount of available funds does not

exceed the cost for consumables, denying a spooling of the print data to the printing

device."

    However, Yamaguchi discloses this limitation in column 4, lines 52-67.

    All reference are combinable because both are in the art of print job accounting.

    Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to have prevented a print job if not enough funds were available.

    The motivation would have been to not allow a print job to go through if not

enough funds are available to print the job.

    Therefore, it would have been obvious to combine all references Yamaguchi to

obtain the invention as specified.

IV.   Claims 11-13 and 39-41 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kobayashi (U.S. Patent No. 7,124,094) in view of Olsen (U.S. Patent

No. 6,952,780) and in view of the applicant's admitted prior art in the applicant's

specification (Background).

Regarding claims 11, 12, 13, 39, 40 and 41, Kobayashi discloses a system for

job accounting and the determination of characteristics of a print job.

It does not explicitly disclose "wherein said determining the number of pages

includes counting the number of EMF pathnames."

However, the background discloses in page 19, lines 1-5 that in the Windows 9X

family, the spool data file contains pathnames to each EMF page. On page 22, lines 9-

13, the applicant's specification discloses that in commonly known page description

languages, the page data is parsed and boundaries are identified . On page 25, lines

16-18 the applicant's specification discloses that in the NT/2K family, the spool data file

contains a linked index to the file offset. Since all the information is already provided by

the OS or by commonly known page description languages, it would have been obvious

to one of ordinary skill to simply count up the provided information.

All references are combinable because both are in the art of job accounting for a

print system.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to have counted the number of EMF pathnames.

The motivation would have been to use the EMF pathnames to easily identify

parts of a print job for easier job accounting.

Therefore, it would have been obvious to combine all reference to obtain the invention as specified.

V.   Claims 14, 16, 18, 21, and 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi (U.S. Patent No. 7,124,094) in view of Olsen (U.S. Patent No. 6,952,780) and further in view Shaw et al (U.S. Patent No. 5,602,974 – "Shaw").

Regarding claims 14, 16, 42 and 43, Kobayashi and Olsen discloses the parsing of a print job.

It does not explicitly disclose "writing print instructions to a printer driver; saving print instructions and device context in EMF; and initiating spooling of journaled data to the spooler."

However, the secondary reference, Shaw, discloses in the abstract the spooling of an EMF (i.e. journaled data) file. Shaw also discloses in Fig. 1 that the EMF contains various data. Please also see column 3 – column 5 lines 1-30 and the various tables contained within. Shaw further discloses in column 1, lines 12-18 that raw data are conventionally used.

All references are combinable because both are in the art of processing print jobs.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have applied Shaw's technique to Kobayashi 's invention.

The motivation would have been to enable easier parsing and storing of data.

Therefore, it would have been obvious to combine all references to obtain the

invention as specified.

Regarding claims 18, 44 and 45, Kobayashi discloses the parsing of a print job.

It does not explicitly disclose the steps of :

writing print instructions to a printer driver;

saving print instructions and device context in EMF;

spooling EMF data to a client spooler;

despooling EMF data to a client print processor; and initiating queuing of

the print job on a print server.

However, Shaw discloses in column 9, lines 24-27 the de-spooling of a document

to a printer, which one would understand would have a print processor. Shaw further

suggests in column 6, lines 44-48 that a router sends information from a local spooler to

a print server spooler, which indicates that a job is spooled at a local (i.e. client) spooler.

Although Shaw does not explicitly disclose the de-spooling of the file locally, it would be

obvious to one of ordinary skill since the de-spooling process can just as easily be

implemented on a local computer instead of a server computer. Shaw discloses in

column 9, lines 22-27 that a background process in a print server queues print jobs.

Again, as mentioned in claims 14 and 16 above, Shaw discloses both EMF and raw

data types.

Kobayashi and Shaw are combinable because both are in the art of processing print jobs.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have applied Shaw's technique to Kobayashi 's invention.

The motivation would have been to enable easier parsing and storing of data.

Therefore, it would have been obvious to combine Kobayashi and Shaw to obtain the invention as specified.

Regarding claim 20, this claim has been addressed in claim 18 above in the Shaw reference in column 9, lines 24-27 - the de-spooling of a document to a printer.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.
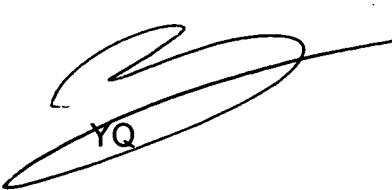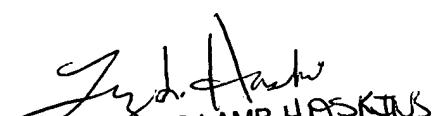
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